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SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			MISLEH, JUSTIN P	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/807,753	GUY, GIDEON	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 - 24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 10/19/05
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on October 19, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the Examiner is considering the information disclosure statement.
2. However, the information disclosure statement partially complies with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but some of the information referred to therein has not been considered.
3. More specifically, a legible copy of the non-patent literature authored by CHOI, HAHN and entitled *Best Hybrid Devices* has not been submitted. For consideration, Applicant must submit a legible copy of the above-cited literature.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means"

and “said,” should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, “The disclosure concerns,” “The disclosure defined by this invention,” “The disclosure describes,” etc.

The abstract states therein, on line 1, “There is disclosed”. In accordance with the guidelines above, the Examiner believes such language should be avoided. **Appropriate correction is required.**

5. The disclosure is objected to because of the following informalities: minor typographical error.

The specification states therein, in paragraph 0020, “digital camera 122”. The Examiner notes the “digital camera” has been previously recited (paragraph 0019) as “digital camera 120”. For the purposes of consistency, “122” should be changed to “120”. **Appropriate correction is required.**

Claim Objections

6. **Claims 1 – 6** are objected to because of the following informalities: lack of precision.

For **Claim 1 (line 9)**, “the digital photograph album” is recited; however, “at least one digital photograph album” has been previously recited (line 7). For the purposes of clarity and precision, the Examiner recommends changing “the digital photograph album” to “the at least one digital photograph album”.

As for **Claims 2 – 6 (line 1 respectively)**, “the display” is recited; however, “a high resolution display” has been previously recited (parent Claim 1, line 2). For the purposes of clarity and precision, the Examiner recommends changing “the display” to “the high resolution display”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 6 – 13, and 18 – 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Risheq (US 7,019,871 B2) in view Russell et al. (US 2004/0182935 A1).

9. For **Claim 1 (please see claim objection above)**, Risheq discloses, as shown in figures 1A, 1B, 5, and 8 – 10, a digital photograph storage and viewing device (digital photo album 20) comprising:

a high resolution display (The Examiner considers a high resolution display to be any display capable of displaying images; Screen 23, as shown in figure 1 and as stated in column 5, lines 19 and 20, satisfies this requirement.);

a digital camera (not specifically shown; However, as shown in figure 10 and as stated in column 7, lines 1 – 9, a digital camera may be connected to the digital photo album 20, via USB

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wire 52 and/or firewire 53, for the purpose of providing a source image data for the photo album.);

a storage medium (CD and/or DVD inserted into CD/DVD/RW drive 47; see figure 4) to store photographs (see column 5, lines 17 – 21);

a permanently attached storage device (CD/DVD/RW drive 47; see figure 4) to access the storage medium (hard drive 45 and CD/DVD/RW drive 47; see dotted line data path between the devices shown in figure 5);

photograph viewing software (see flowchart of figure 9) to allow a user to arrange digital photographs into at least one digital photograph album (see column 8, lines 18 – 24; and column 9, lines 41 – 62); and

a plurality of user input devices (buttons 61 – 65; see figure 8) to control viewing of digital photographs on the display (screen 23) as the at least one digital photograph album (see column 7, line 47 – column 8, line 17).

As stated in columns 7 (lines 1 – 9 and 17 – 20) and 9 (lines 13 – 26), Risheq merely discloses attaching/connecting a digital camera to the digital photo album (20) via the USB wire (52) and/or the firewire (53) for the purpose of transferring digital image data from the digital camera to the digital photo album (20); however, Risheq does not provide the specifics of this arrangement nor the specifics of this connection. In other words, Risheq does not disclose wherein the digital camera is a removably attached integrated digital camera, as required.

On the other hand, Russell et al. also provide a portable photograph storage and viewing device for receiving digital images and displaying them therein. More specifically, Russell et al. teach, as shown in figures 1 and 4 and as stated in paragraph 0018, a personal data assistant (170)

having a display (176) for displaying images (140 and 154). Russell et al. also teach, as shown in figures 1 and 4 and as stated in paragraph 0019, an integrated portable imaging device (100) having an integrated digital camera portion (150) for capturing digital images (paragraph 0030). Furthermore, Russell et al. also teach, as shown in figures 1 and 2 and as stated in paragraphs 0024, 0029, and 0032, wherein the integrated portable imaging device (100) and, more importantly, the integrated digital camera portion (150), are removably attached (see contrast between figures 1 and 2) to the personal data assistant (170) having an image display (176) such that data communication may occur there-between. Therefore, it is clear Russell et al. teach wherein the digital camera is a removably attached integrated digital camera.

Hence, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a removably attachable integrated digital camera (as taught by Russell et al.) as the digital camera in the digital photograph storage and viewing device (disclosed by Risheq) for the advantage of providing a small, compact, and portable digital camera that enables a user to readily have the digital camera on demand along with the viewing device where such a device can be useful in a business type setting (see Russell et al., paragraph 0020, lines 1 – 4).

10. For **Claim 13**, Risheq discloses, as shown in figures 1A, 1B, 5, and 8 – 10, a digital photograph storage and viewing device (digital photo album 20) comprising:

a plurality of user input devices (generally microprocessor 46a, see column 7, line 46 – column 9, line 61) including a first user input device (buttons 61 – 65 of control buttons 26 – figure 8) to allow for scrolling through a plurality of digital photographs (specifically see column 7, lines 46 – 63) and a second user input device (not specifically identified; however, necessary

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for proper operation – step 91, figure 9) to allow for zooming in and out when viewing the digital photographs (Specifically see column 9, lines 25 – 41; “at any time an image is displayed on screen 23, a user may choose to edit the image ...editing functions that may be performed include, for example, formatting the size of the image, ... or otherwise varying the size, shape, or contract of the image”; The Examiner submits that varying the size, shape, and content of the image necessarily encompasses and is equivalent to zooming in and zooming out of the image.);

a high resolution display (The Examiner considers a high resolution display to be any display capable of displaying images; Screen 23, as shown in figure 1 and as stated in column 5, lines 19 and 20, satisfies this requirement.) controllable by at least a third user input device of the user input devices (The Examiner submits the control buttons 26 of figure 8 are collectively used to provide a menu, scroll through images, and select images on the display 23 – see column 7, lines 47 – 63; Therefore, the control buttons 26 also serve as the third use input device.);

a storage medium (CD and/or DVD inserted into CD/DVD/RW drive 47; see figure 4) to store the digital photographs (see column 5, lines 17 – 21);

a processor (microprocessor 46a – see figure 4);

a memory (memory 46b – see figure 4);

a digital camera (not specifically shown) attached to the digital photograph storage and viewing device (20), the digital camera to capture the digital photographs and store the digital photographs on the storage medium (not specifically shown; However, as shown in figure 10 and as stated in column 7, lines 1 – 9 and 17 – 20, a digital camera may be connected to the digital photo album 20, via USB wire 52 and/or firewire 53, for the purpose of providing a source image data for the photo album and for storage on a DVD.); and

wherein the processor (46a) and the memory (4b) comprise circuits and software (see flowchart of figure 9) for managing storage of and displaying digital photographs (see column 7, lines 47 – 63; column 8, lines 18 – 24; and column 9, lines 41 – 62).

As stated in columns 7 (lines 1 – 9 and 17 – 20) and 9 (lines 13 – 26), Risheq merely discloses attaching/connecting a digital camera to the digital photo album (20) via the USB wire (52) and/or the firewire (53) for the purpose of transferring digital image data from the digital camera to the digital photo album (20); however, Risheq does not provide the specifics of this arrangement nor the specifics of this connection. In other words, Risheq does not disclose wherein the digital camera is a removably attached integrated digital camera, as required.

On the other hand, Russell et al. also provide a portable photograph storage and viewing device for receiving digital images and displaying them therein. More specifically, Russell et al. teach, as shown in figures 1 and 4 and as stated in paragraph 0018, a personal data assistant (170) having a display (176) for displaying images (140 and 154). Russell et al. also teach, as shown in figures 1 and 4 and as stated in paragraph 0019, an integrated portable imaging device (100) having an integrated digital camera portion (150) for capturing digital images (paragraph 0030). Furthermore, Russell et al. also teach, as shown in figures 1 and 2 and as stated in paragraphs 0024, 0029, and 0032, wherein the integrated portable imaging device (100) and, more importantly, the integrated digital camera portion (150), are removably attached (see contrast between figures 1 and 2) to the personal data assistant (170) having an image display (176) such that data communication may occur there-between. Therefore, it is clear Russell et al. teach wherein the digital camera is a removably attached integrated digital camera.

Hence, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a removably attachable integrated digital camera (as taught by Russell et al.) as the digital camera in the digital photograph storage and viewing device (disclosed by Risheq) for the advantage of providing a small, compact, and portable digital camera that enables a user to readily have the digital camera on demand along with the viewing device where such a device can be useful in a business type setting (see Russell et al., paragraph 0020, lines 1 – 4).

11. As for **Claims 6 (please see claim objection above) and 18**, Risheq at least discloses a digital photo album (20) with a display screen (23) for displaying and editing digital photographs (see Risheq figure 9); however, Risheq is silent with respect to wherein the high resolution display includes a touch screen portion to receive user input.

However, as stated above, Russell et al. similarly provide a portable photograph storage and viewing device for receiving digital images and displaying them therein. More specifically, Russell et al. teach, as shown in figures 1 and 4 and as stated in paragraph 0018, a personal data assistant (170) having a display (176) that is a touch-sensitive display and is for displaying images (140 and 154). Therefore, Russell et al. teach wherein the display includes touch screen portion to receive user input.

Again, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to incorporate the teaching of Russell et al. (specifically, the touch sensitive display) in the digital photo album (20) disclosed by Risheq for the advantage of providing a device that is useful in a business type setting (see Russell et al. – paragraph 0020, lines 1- 4).

12. As for **Claims 7 and 19**, Risheq discloses, as shown in figure 4 and as stated in column 5 (lines 17 – 21), wherein the storage medium (CD and/or DVD inserted into CD/DVD/RW drive 47) is a digital versatile disc (DVD), and the storage device is a DVD device (CD and/or DVD inserted into CD/DVD/RW drive 47).

13. As for **Claims 8 and 20**, Risheq discloses, as stated in column 9 (lines 25 – 41), software to allow for editing of the digital photographs (“editing software”).

14. As for **Claims 9 and 21**, Risheq discloses, as shown in figure 9 and as stated in column 8 (line 57) – column 9 (line 10) and column 9 (lines 42 – 54), software that provides a user interface by which a user may view the digital photographs as a photo album (Based upon column 7, lines 52 – 57, and the flowchart shown in figure 9, the Examiner believes operations performed by microprocessor 46a including display of images on the screen 23 is governed by software stored in the digital photo album 20).

15. As for **Claims 10 and 22**, Risheq discloses, as shown in figure 9 and as stated in column 8 (line 57) – column 9 (line 10) and column 9 (lines 42 – 54), software that provides a user interface by which a user may view the digital photographs as a slide show (Based upon column 7, lines 52 – 57, and the flowchart shown in figure 9, the Examiner believes operations performed by microprocessor 46a including display of images on the screen 23 is governed by software stored in the digital photo album 20).

16. As for **Claims 11 and 23**, Risheq discloses, as shown in figures 4 and 10 and as stated in columns 7 (lines 1 – 9 and 17 – 20) and 9 (lines 13 – 26), a communications interface (USB wire 52 and/or firewire 53) by which the digital photographs are transferred (e.g., “uploaded”) from the digital camera (111; figure 10) to the storage medium (115; see figure 10).

Risheq merely discloses attaching/connecting a digital camera to the digital photo album (20) via the USB wire (52) and/or the firewire (53); however, as stated above, in regards to Claims 1 and 13, respectively, the Examiner indicated it would have been obvious to have also integrated the digital camera (as taught by Russell et al.) with the digital photo album (20).

17. As for **Claims 12 and 24**, Risheq discloses, as stated in columns 7 (lines 1 – 9 and 17 – 20) and 9 (lines 13 – 26), wherein the communications interface (USB wire 52 and/or firewire 53) supports at least one of a Universal Serial Bus (USB) interface (USB wire 52 is a USB interface) and an IEEE 1394 interface (firewire 53 is a IEEE 1394 interface).

The Examiner notes the claim language is written in the alternative (e.g., “at least one of”) so as to require only one of the following list: USB interface, an IEEE 1394 interface, a BlueTooth interface, an infrared interface, and an IEEE 802.11 interface. As stated above, Risheq provides at least two of these interfaces – specifically, the USB interface (52) and the IEEE 1394 (53).

18. Claims 2 – 5 and 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risheq (US 7,019,871 B2) in view Russell et al. (US 2004/0182935 A1), as applied to Claims 1 and 13 respectively above, and further in view of Johnson (US 6,396,525 B1).

19. As for **Claims 2 (please see claim objection above) and 14**, Risheq in view of Russell et al. at least teach a digital photo album (20) with a display screen (23) for displaying and editing digital photographs (see Risheq figure 9); however, Risheq in view of Russell et al. is silent with respect to the resolution of the display screen. Specifically, Risheq in view of Russell et al. is

silent with respect to wherein the high resolution display has a resolution of at least 128 dots per inch.

On the other hand, Johnson also provides a portable digital photograph storage and viewing device. More specifically, Johnson teaches, as shown in figure 1, a digital display device (100) that is sized to be conveniently portable by the user wherein the display device is used for viewing images (see column 3, lines 1 – 33). Johnson further teaches, as stated in column 3 (lines 34 – 52), “the display area 104 is sized so that it is around 6-inches by 9-inches in dimension … more importantly, the technology that is utilized to provide viewable images within the display area … is capable of providing images in the range of 300-600 dots-per-inch (dpi) and better.” Therefore, it is clear Johnson teaches wherein the display has a resolution of at least 128 dots per inch, as required.

Hence, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a display for displaying images that is around 6-inches by 9-inches in dimension and capable of providing images in the range of 300-600 dots-per-inch (dpi) and better (as taught by Johnson) as the display in the digital photograph album (disclosed by Risheq, in combination with Russell et al.) for the advantage of providing *a higher-quality, clearer, more concise image for the user* (see Johnson, column 3, lines 45 – 47).

20. As for **Claims 3 (please see claim objection above) and 15**, Risheq in view of Russell et al. at least teach a digital photo album (20) with a display screen (23) for displaying and editing digital photographs (see Risheq figure 9); however, Risheq in view of Russell et al. is silent with respect to the resolution of the display screen. Specifically, Risheq in view of Russell et al. is

silent with respect to wherein the high resolution display has a resolution of at least 200 dots per inch.

On the other hand, Johnson also provides a portable digital photograph storage and viewing device. More specifically, Johnson teaches, as shown in figure 1, a digital display device (100) that is sized to be conveniently portable by the user wherein the display device is used for viewing images (see column 3, lines 1 – 33). Johnson further teaches, as stated in column 3 (lines 34 – 52), “the display area 104 is sized so that it is around 6-inches by 9-inches in dimension ... more importantly, the technology that is utilized to provide viewable images within the display area ... is capable of providing images in the range of 300-600 dots-per-inch (dpi) and better.” Therefore, it is clear Johnson teaches wherein the display has a resolution of at least 200 dots per inch, as required.

Hence, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a display for displaying images that is around 6-inches by 9-inches in dimension and capable of providing images in the range of 300-600 dots-per-inch (dpi) and better (as taught by Johnson) as the display in the digital photograph album (disclosed by Risheq, in combination with Russell et al.) for the advantage of providing *a higher-quality, clearer, more concise image for the user* (see Johnson, column 3, lines 45 – 47).

21. As for **Claims 4 (please see claim objection above) and 16**, Risheq in view of Russell et al. at least teach a digital photo album (20) with a display screen (23) for displaying and editing digital photographs (see Risheq figure 9); however, Risheq in view of Russell et al. is silent with respect to the resolution of the display screen. Specifically, Risheq in view of Russell et al. is

silent with respect to wherein the high resolution display has a resolution of at least 300 dots per inch.

On the other hand, Johnson also provides a portable digital photograph storage and viewing device. More specifically, Johnson teaches, as shown in figure 1, a digital display device (100) that is sized to be conveniently portable by the user wherein the display device is used for viewing images (see column 3, lines 1 – 33). Johnson further teaches, as stated in column 3 (lines 34 – 52), “the display area 104 is sized so that it is around 6-inches by 9-inches in dimension ... more importantly, the technology that is utilized to provide viewable images within the display area ... is capable of providing images in the range of 300-600 dots-per-inch (dpi) and better.” Therefore, it is clear Johnson teaches wherein the display has a resolution of at least 300 dots per inch, as required.

Hence, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a display for displaying images that is around 6-inches by 9-inches in dimension and capable of providing images in the range of 300-600 dots-per-inch (dpi) and better (as taught by Johnson) as the display in the digital photograph album (disclosed by Risheq, in combination with Russell et al.) for the advantage of providing *a higher-quality, clearer, more concise image for the user* (see Johnson, column 3, lines 45 – 47).

22. As for **Claims 5 (please see claim objection above) and 17**, Risheq in view of Russell et al. at least teach a digital photo album (20) with a display screen (23) for displaying and editing digital photographs (see Risheq figure 9); however, Risheq in view of Russell et al. is silent with respect to the height and width of the display screen. Specifically, Risheq in view of Russell et

al. is silent with respect to wherein the high resolution display has a height of at least five inches and a width of at least eight inches.

On the other hand, Johnson also provides a portable digital photograph storage and viewing device. More specifically, Johnson teaches, as shown in figure 1, a digital display device (100) that is sized to be conveniently portable by the user wherein the display device is used for viewing images (see column 3, lines 1 – 33). Johnson further teaches, as stated in column 3 (lines 34 – 52), “the display area 104 is sized so that it is around 6-inches by 9-inches in dimension ... more importantly, the technology that is utilized to provide viewable images within the display area ... is capable of providing images in the range of 300-600 dots-per-inch (dpi) and better.” Therefore, it is clear Johnson teaches wherein the display has a height of at least five inches and a width of at least eight inches, as required.

Hence, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included a display for displaying images that is around 6-inches by 9-inches in dimension and capable of providing images in the range of 300-600 dots-per-inch (dpi) and better (as taught by Johnson) as the display in the digital photograph album (disclosed by Risheq, in combination with Russell et al.) for the advantage of providing *a higher-quality, clearer, more concise image for the user* (see Johnson, column 3, lines 45 – 47).

Cited Prior Art

23. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure at least for the reason that *each discloses a portable digital photo album have a display for viewing digital images.*

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Conclusion

24. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Justin Misleh
Examiner, GAU 2622
April 30, 2007**